

RISE TO RESILIENCE

OUR COMMUNITIES, OUR FUTURE

U.S. Army Corps of Engineers
NYNJHAT Study Team, Planning Division
26 Federal Plaza, 17th Floor
New York, NY 10279-0090

RE: New York–New Jersey Harbor and Tributaries Study, Tentatively Selected Plan

Dear Mr. Bryce W. Wisemiller and Ms. Cheryl R. Alkemeyer:

We, the 45 undersigned members of the Rise to Resilience Coalition, appreciate the opportunity to submit public comments on the Draft Integrated Feasibility Report and Tier 1 Environmental Impact Statement for the New York-New Jersey Harbor and Tributaries Study (“NYNJHATS”) and for the U.S. Army Corps of Engineers’ (“Corps”) commitment to reducing coastal storm risk in the New York and New Jersey Harbor region.

The Rise to Resilience Coalition, comprised of over 100 organizations representing residents, leaders in business, labor community and justice, volunteer organizations, scientists, environmental advocates, and design professionals, have been engaged on NYNJHATS since its inception.

As part of the March 2023 public comment period, the Rise to Resilience Coalition puts forward the following recommendations:

- 1.** Give greater consideration to environmental justice through an iterative approach,
- 2.** Prioritize natural and nature-based features (“NNBFs”) and non-structural solutions, and
- 3.** Address multiple climate hazards.

These priorities reflect the input of multiple community and environmental organizations with on-the-ground experience in vulnerable communities and technical expertise in resilience, align with the Water Resources Development Act (“WRDA”), and are consistent with several executive and agency policy directives and memos, such as Executive Order 14008, the Justice40 Initiative, and the Assistant Secretary of the Army for Civil Works’ Implementation of Environmental Justice and the Justice40 Initiative memorandum.

Additionally, Appendix A captures comments and questions from more than 50 organizations that participated in a HATS comment sharing workshop, hosted by Waterfront Alliance, Rebuild by Design, and Environmental Defense Fund on February 17, 2023. Appendix B references the Guiding Principle for Coastal Infrastructure, developed with over 80 attendees at a meeting hosted by Rebuild by Design on December 2nd, 2022.

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Since 2019, the Rise to Resilience Coalition has worked closely with Congressional leadership and local sponsors to secure modifications to the NYNJHATS authorization. The Coalition advocated for adjustments to the study to incorporate more holistic and equitable approaches that address multiple flood threats. Specifically, the Coalition sought to include tidal flooding associated with sea level rise and low-frequency precipitation events (along riverine floodplains) as individual threats and as compounding threats during a coastal storm. Additionally, the Coalition advocates for increased public engagement in communities most impacted by the project's design and most vulnerable to flood risk. Of equal importance, was an articulation of how community values, lived experiences, and expertise will be considered in alternative selection and design.

This is the largest public infrastructure project proposal in our region in recent history, and it is the critical responsibility of the Corps to work closely together with the non-federal sponsors and communities to develop a plan that is rooted in the most accurate science, prioritizes social equity and public values, ensures access to the waterfront for all communities, and preserves our diverse cultural and ecological landscape for the most beneficial outcome for all. Our region faces significant climate challenges, and we urge the Corps to move forward with solutions that ensure the equitable resilience, accessibility, and ecological integrity of our communities.

1. Greater Environmental Justice Considerations Through an Iterative Approach

The Corps must recognize the disproportionate climate risks that puts low-income communities and communities of color at greater risk of flooding. These communities experience greater hardship in recovering after disasters, resulting in compounding personal and societal impacts to health, livelihoods, and the environment.

Recommendation 1(A): Center Disadvantaged Communities and Align NYNJHATS with the Water Resources Development Act of 2020 and 2022, Executive Order 14008, and the Justice40 Initiative Guidance.

The Rise to Resilience Coalition worked with members of Congress to expand the authorization of NYNJHATS via the Water Resources Development Act of 2020 (WRDA 2020), including a specific directive in Section 203 to consult with affected communities and have since had several discussions in 2021 and 2022 with the non-federal sponsors of NYNJHATS who are aligned in this perspective.

The model to date has been to bring community stakeholders in to comment on what has already been done. An equitable route, as it pertains to centering disadvantaged communities, would require bringing those communities in from the beginning, so that lived experiences and expertise can be a part of the design and implementation stages.

In addition to WRDA 2020 and 2022, consideration of greater consultation with environmental justice and disadvantaged communities is consistent with the Biden Administration's Executive Order 14008,

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Executive Order 13985, and the Justice40 Initiative. To that end, the Assistant Secretary of the Army for Civil Works, Michael Conner, [issued interim environmental justice implementation guidance](#) to the Corps on March 15, 2022, titled Implementation of Environmental Justice and the Justice40 Initiative. In Section 10 of Assistant Secretary Conner’s memorandum, he makes it clear that the Corps will take more proactive measures toward achieving environmental justice in their scoping, planning, and construction phases.

“For projects which are in the study and planning phases, we will take a more proactive approach towards achieving environmental justice. This may take time to achieve, but the end result will be an approach to studies which will focus on a comprehensive evaluation of the total benefits of each plan including equal consideration of applicable benefit types in the study scope of work where the disadvantaged communities play a key role in the effort to advance their needs. This new approach goes beyond “doing no harm” to focus on putting the disadvantaged communities at the front and center of studies. This will require a commitment starting at the earliest phase in the process. USACE is directed to initiate outreach and engage disadvantaged communities early in the process to identify and address problems.”

To date, the Corps has not taken the necessary steps to center disadvantaged communities in NYNJHATS as outlined in the above-mentioned legislation, Executive Order, and implementation guidance. Before moving to the agency milestone and Chief’s Report, we urge the Corps to demonstrate environmental justice considerations in the tentatively selected plan, which requires a more proactive approach to engagement with disadvantaged communities.

Recommendation 1(B): Update the Cost-Benefit Analysis and Thoroughly Evaluate Coastal Storm Risk for All Citizens in the Study Area, Centering Disadvantaged and Environmental Justice Communities.

The current model for prioritization of flood protection does not sufficiently capture environmental justice considerations. Economic impacts, particularly where property values are higher, hold greater consideration. This imbalance results in several environmental justice communities not receiving equal or equitable access to flood protection as a result of historic injustices and disinvestment.

We recommend the Corps thoroughly evaluate coastal storm risk for all citizens in the study area, centering disadvantaged communities and environmental justice communities, in accordance with Justice40, Water Resources Development Act of 2020, and the interim guidance issued by Assistant Secretary of the Army for Civil Works Michael Connor.

The Corps should improve or modify its cost-benefit analysis and decision-making process to address equity and environmental justice. The Corps’ plan was created and selected using a cost-benefit analysis of different possible scenarios to address the needs of the New York-New Jersey Harbor region. In order to equitably address the needs of low-income communities and communities of color, the cost-benefit analysis used for project selection must be revised to assign value to communities most impacted by climate change that do not have a high level of residential mobility, prioritizing population

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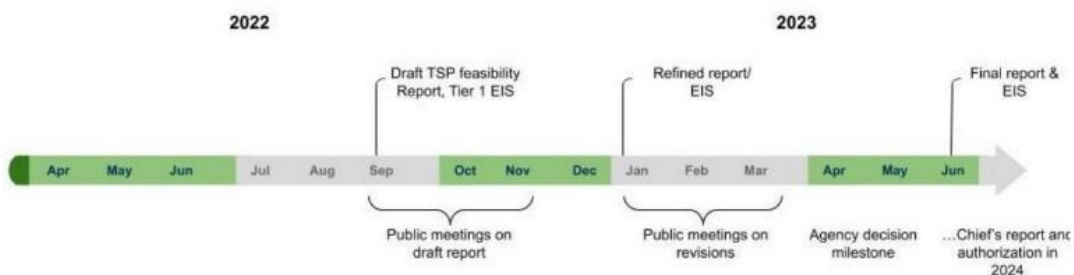
density or replacement value. To do this, we need to remove the bias towards wealthy neighborhoods and housing stock. In areas where there is a scarcity of low-income housing, existing low-income residential properties should be given a higher value, reflecting scarcity not the resale value of that property.

Going forward, the Corps must include social and economic costs to show the full impact of these studies and proposed solutions, as well as clearly articulating the residual economic and social risks. **If cost-benefit analyses are not modified, the Corps must develop an alternative method to effectively capture the value of protecting low-income communities, renters, communities of color, and environmental justice communities.** In doing so, the Corps should also account for the multiple benefits of natural infrastructure, as well as the true costs of flood threats and disasters to a community. The Corps can address disproportionate flood risks and begin to address systemic inequalities by considering the cumulative impacts of flood disasters to communities and improve the cost-benefit methodologies to make more equitable investment decisions.

The tentatively selected plan leaves several environmental justice communities with flood risks out of the project, including, but not limited to, Hunts Point, Sunset Park, and South Williamsburg.

Recommendation 1(C): Create an Iterative Process and Extend the Public Comment Period.

In a letter to Colonel Matthew Luzzatto, New York District Commander and District Engineer, on July 27, 2022, regarding the establishment of an Environment and Climate Justice Working Group for NYNJHATS, several members of the Rise to Resilience Coalition called for a more iterative approach to finalizing NYNJHATS, as described by the following timeline:



This proposed timeline includes a Refined EIS ahead of the agency decision milestone, where the Corps would host additional public meetings on revisions made to the Tier 1 EIS based on feedback received to date. The feedback gathered through this process should be used to refine the plan in an iterative way, ensuring communities are a thoughtful partner to the Corps and the non-federal sponsors throughout the entirety of NYNJHATS.

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Through this updated timeline, we urge the Corps to partner with the non-federal sponsors and communities most affected by NYNJHATS to extend the public comment period and host several additional convenings. The current public comment period, although extended twice, does not provide sufficient time, access to resources, or community input to shape the future of the plan.

Recommendation 1(D): Develop a Robust and Equitable Public Engagement and Community Empowerment Strategy That Prioritizes Regular Communications with Environmental Justice Communities.

Building upon Recommendation 1(C), we advise the Corps to develop a robust public engagement and community empowerment strategy to foster an ongoing dialogue between the communities affected by NYNJHATS. One of the steps to achieving this result is the formation of the Environmental and Climate Justice Working Group (“the Working Group”).

This Working Group would support and advise on how to ensure that the concerns, priorities, and proposed solutions of those most impacted by the threats of climate change are centered in the final plan. These goals would be accomplished by bringing together the project sponsors and partners (the State of New York, the State of New Jersey, and the City of New York), groups that represent large alliances of environmental and environmental justice groups, and frontline community organizations directly impacted by the area of NYNJHATS in one space. Specifically, the Working Group would support efforts to develop a robust outreach strategy and timeline, including target geographies and community organizations; a process for how frontline organizations will inform the selected plan, including strategy and tactics for reaching, listening to, and incorporating frontline community priorities into the design, including considering how funding for community participation can be provided; a process for how the states of New York, New Jersey, City of New York, and Corps will work together to maximize engagement and coordination/consistency review with other resilience projects; how the Corps will meet the statutory obligations of WRDA 2020 and 2022 to evaluate and address the impacts of low-frequency precipitation and sea level rise on the study area, value ecosystems services more effectively, and include a summary of any nature-based features that were considered and provide an explanation if nature-based features are not recommended.

Further, the a working group should have the opportunity to review the outcomes of the engagement strategy the Corps employs for the NYNJHATS, and provide suggestions on possible immediate remedies, if gaps are found, as well as improvements for processes in the future.

Together, we hope to build an effective strategy for ensuring that these perspectives are heard and incorporated into the final plan.

2. Prioritize Natural and Nature-Based Features and Non-Structural Solutions

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The Corps' International Guidelines of Natural and Nature-Based Features for Flood Risk Management, published in 2021, highlights the five foundational principles for the overall success of natural and nature-based features:

1. Expect change and manage adaptively.
2. Identify sustainable and resilient solutions that produce multiple benefits.
3. Use a systems approach to leverage existing components and projects and their interconnectivity.
4. Engage communities, stakeholders, partners, and multidisciplinary team members to develop innovative solutions.
5. Anticipate, evaluate, and manage risk in project or systems performance.

Nature-based solutions have a significant role to play in resilient infrastructure investments. The Corps' own guidelines find that "effective and timely implementation of NNBF to address the future [flood risk management] challenges will depend on progress in three overarching areas of activity—developing and delivering, communicating and collaborating, and elevating and educating."

We recommend that the Corps utilize the best practices outlined in these guidelines and prioritize the immediate implementation of natural and nature-based features as part of NYNJHATS. The Tier 1 EIS lacks specifics on how the Corps will include natural and nature-based features and non-structural solutions in the tentatively selected plan. We urge the Corps to outline how these solutions will be embedded into the plan, ahead of the agency decision milestone and Chief's Report.

Recommendation 2(A): Prioritize Multi-Beneficial, Natural and Nature-Based Approaches and Consider Quality of Life, Economic, and Environmental Impacts.

Recognizing that investments go farther when multi-beneficial approaches are taken, Section 116 of WRDA 2020 explicitly requires the prioritization of natural and nature-based features and ecosystem services in cost-benefit analysis.

The tentatively selected plan relies too heavily on in-water barriers for protection and does not adequately study or model natural and nature-based features; for example, berms, dunes, increased elevation of waterfront sites, the use of pervious surfaces, daylighting streams (i.e., activating historic pathways for water for absorption and overflow), and other inland green infrastructure utilized to protect neighborhoods and mitigate both inland and coastal flooding.

We recommend the Corps employ and study the use of natural and nature-based features to reduce wave damage from smaller, more frequent storms. Examples include significant wetland, coastal shrubland, and edge forest restoration, provided that vulnerable structures are either sited outside of the future floodplain or meet design flood elevation and durability guidance. Nature-based features

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provide multiple benefits, and can be effective in reducing impacts from smaller, more frequent storms and gradual erosion.

Where structural solutions do move forward, we recommend the Corps employ natural and nature-based features, such as naturalized slope and shape on stabilization features, plantings embedded within ripraps and revetments, and products such as specially textured concrete that attract marine and plant life, as well as consideration for beneficial gray infrastructure solutions, such as permeable pavement and ecologically enhanced concrete.

In accordance with WEDG standards, we recommend that if hardened or structurally reinforced edges and components are necessary, the Corps not use materials preserved with potentially toxic substances such as chromated copper arsenate, creosote, or others that can leach into the aquatic environment. Avoid materials containing PFAS contaminants. We encourage the Corps to use edge materials that have a chemical composition, alkalinity, toxicity, pH, and other features that support the native biological community and attachment of characteristic aquatic organisms. Standard steel and concrete structures do not meet these criteria, nor do some of the most common rock materials used for riprap. Additionally, design and enhance structural features to provide more heterogeneity and habitat-supporting complexity than conventional stabilization methods:

- Use rough, textured, surfaces or varied gradation of rock that create interstitial spaces of varied size and shape, using a material with a pH that fosters attachment or provides refugia for native aquatic organisms. Examples include habitat and reef modules, oyster reefs, form liners, molds, pile casings, and structural enhancements.
- Use water retaining ecological features to increase diversity of habitat and maintain some intertidal zonation, such as precast tide pools.
- Incorporate nature-based features that provide multiple benefits, such as tiered reinforced edges with native plantings, oysters, mussels, and salt marsh grasses.
- Incorporate temporary stabilization strategies for wave attenuation and erosion reduction until vegetation is established.
- Consider additional external attachments such as hanging or floating habitats which can be utilized on seawalls and other hardened structures.

Additionally, as the Corps begins to analyze natural and nature-based features, we recommend increasing and expanding wetland areas at site edges where relevant. This includes restoring or designing wetlands at the interface between the land and water at a site to provide habitat, aesthetic value, and buffer zones. Coastal wetlands can serve as storm attenuation systems, reducing wave action before waves are able to make landfall. They can also serve as debris capture systems, reducing the impact of high velocity debris at the site. Wetlands should be designed to be wide and flat to maximize the surface area available for risk reduction potential. The Corps should consider relevant vegetation for different elevation scenarios, considering the potential for marsh migration with rising sea levels in the planting plan. Wetland areas should gradually slope to the upland regions of the side to reduce risk of erosion.

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Recommendation 2(B): Pursue a Phased-Approach that Enables Implementation of Short- and Long-Term Measures.

The interim NYNJHATS report suggested that the tentatively selected plan may include provisions for adaptation, such as near-, mid-, and long-term options. Given the uncertainty in the planning horizon, we encourage the Corps to pursue a phased approach that enables understanding the relationship between local and more regional approaches, thoughtful decision-making accounting for the many local structural and non-structural projects now underway, and implementation of different options over different time scales and scenarios.

This approach should also enable implementation of near-term measures for which there is high confidence and support. It is critical that the Corps ensure the phased approach and resulting projects are designed with financial feasibility. The Corps should finalize plans through this study that reach holistic goals and can be completed given projected funding levels from local, state, and federal sources.

The study should be pursued through a phased approach to authorization and development, prioritizing environmental justice, critical infrastructure, and nature-based features. This approach should be included in the final tentatively selected plan and Chief's Report (by planning region or measure and including cost-share information) to move forward with elements of the plan while allowing for refinement of those that require further study.

We recommend the Corps move forward quickly with measures that protect critical infrastructure and environmental justice communities that are aligned with the best available science. The Corps should prioritize measures that protect critical infrastructure and communities most vulnerable to the impacts of climate change, using the public comment period and social vulnerability and environmental justice analysis to inform prioritization.

Recommendation 2(B-2): Ensure Structural Capacity to Heighten Resilience Features in the Future

Risk projections do not carry absolute certainty. Antarctic ice is melting at an accelerating rate and sea level rise projections for the New York-New Jersey Harbor region have increased over time. Climate projections rely on assumptions about human behavior and policy change that are difficult to predict and subject to drastic change. (Please see related comments in recommendation 3B). The design life of these projects is long enough that the sea level rise and storm surge projections may be inadequate to protect those communities that they were designed to protect. As such, they should be designed to accommodate additional protection in the future.

While designing for adaptability can involve additional upfront costs, these features may encourage a longer project lifespan. The Corps should consider increasing the capacity of any structural systems to

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allow more cost-effective future upgrades to accommodate additional fill, heightened or additional seawalls, taller barriers, or other flood mitigation features.

By building to accommodate the possible expansion of systems in the future, the Corps ensures that it provides the resources to protect against today's sea level rise and climate projections, while also ensuring that the region remains protected if climate change proves more severe than anticipated.

Recommendation 2(C): Thoroughly Evaluate Buyouts as an Option Equal in Value to Structural Solutions, Including Extensive Modeling on Costs and Long-Term Benefits, Ahead of the Agency Decision Milestone.

In addition to natural and nature-based features, the Corps should detail non-structural solutions, such as buyouts, as a legitimate solution for coastal storm risk. Examples of successful buyout solutions exist in both New York and New Jersey. Buyouts have not been thoroughly considered as part of a non-structural solution to date. These solutions are among the few long-term strategies that eliminate risk where they occur, and therefore should be considered especially in areas expected to experience regular tidal flooding in the future.

The further refinement of the non-structural areas should explicitly include and evaluate buyouts as a strategy, detailing that this approach would be conducted in partnership with the relevant local sponsor. Working closely with cost-share and local partners, the Corps should incorporate the utility of non-structural and building-scale measures, including buyouts and relocation, for areas with certain risk profiles.

As an initial step, we recommend that the Corps develop a criteria and evaluation mechanism for prioritizing both individual properties and neighborhood-level or block-level buyout or relocation programs. A data-driven approach is a critical component of ensuring that such a program would be managed equitably (i.e., considerations of fair market pricing, pathways for public housing residents, and upward mobility). A prioritization scheme would need to be informed and led by a broad set of communities and residents to ensure that environmental justice and equity were centered. The results of such a study would help identify for which areas managed retreat is a reasonable option. A comprehensive risk reduction plan like NYNJHATS is incomplete without at least some reliable assessment of this option.

3. Address Multiple Climate Hazards

It is important and urgent to identify and prioritize federal investments in large-scale solutions to address the full suite of flood risk and build resilience across the region. The objectives of HATS have been limited to storm surge as the primary coastal climate hazard. This shortcoming of the study results in HATS not fully integrating the impacts and solutions for sea level rise and extreme precipitation and the ways in which they are connected, and compounding, storm surge.

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Recommendation 3(A): Plan Holistically for Compounding Flood Risks in the Study Area and Pursue Solutions that are Effective Against Multiple Flood Threats.

The tentatively selected plan may differ if the objectives are expanded to manage the multiple flood risks across the region. The Rise to Resilience Coalition is concerned that solutions developed to mainly address coastal storms and storm surge can exacerbate the flood risk from sea level rise and low frequency precipitation events.

When stormwater systems across the region have their capacity reduced as a result of sea level rise and storm surge, precipitation-based and pluvial flood risks become an impact of storm surge and sea level rise. These must be addressed together. Every land-based solution should be designed in a way that enhances stormwater systems. A “do no harm” approach is insufficient when storm surge and sea level rise will actively harm the region’s stormwater discharge capacity.

The tentatively selected plan does not appear to address the full projected risks of sea level rise, as the storm surge gates would remain open except during storm conditions. High-tide projections in 2080 will flood many areas and the storm surge gates will have little-to-no impact on this expected “sunny-day flooding.”

We urge the Corps to follow the directive of Section 8106 of WRDA 2022, which directs the Corps to formulate alternatives to maximize the net benefits from the reduction of the comprehensive flood risk within the geographic scope of the study from the isolated and compound effects of:

- a riverine discharge of any magnitude or frequency;
- inundation, wave attack, and erosion coinciding with a hurricane or coastal storm;
- flooding associated with tidally influenced portions of rivers, bays, and estuaries that are hydrologically connected to the coastal water body;
- a rainfall event of any magnitude or frequency;
- a tide of any magnitude or frequency;
- seasonal variation in water levels;
- groundwater emergence;
- sea level rise;
- subsidence; or any other driver of flood risk affecting the area within the geographic scope of the study.

Recommendation 3(B): Use Local Climate Projections, as Authorized by the Water Resources Development Act of 2020 and 2022.

The Rise to Resilience Coalition has long been calling for the Corps to use local climate projections. The current sea level projections used for design, analysis, and effectiveness of alternatives are based on outdated projections. The draft analysis is based on ER 1100-2-8162 (June 2019), which states that it

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uses "... the most recent trends on relative sea level change from NOAA..." (main report p.176). The graph on that page indicates that the intermediate SLR prediction used by USACE for 2100 will be 1.8 feet. A 2022 NOAA publication projects a year 2100 intermediate SLR for the Northeast US of 1.3 meters (4.3 feet), more than double the design criteria.

Additionally, state and local projections for the region exceed the Corps' projections and are based on regional models developed through extensive peer-review. The New York City Panel on Climate Change ("NPCC"), for example, estimates 2 to 4.2 feet of sea level rise in their moderate projections. The Rise to Resilience Coalition secured language in WRDA 2020 directing the Corps to use updated, local peer-reviewed projections. Section 113(A) in WRDA 2020 calls for the Corps to "coordinate the review with the Engineer Research and Development Center, other Federal and State agencies, and other relevant entities. Section 113(B) in WRDA 2020 calls for the Corps "to the maximum extent practicable and where appropriate, utilize data provided to the Secretary by such agencies."

Additionally, a [letter from 18 members of Congress](#) on May 26, 2021 reaffirmed this language, calling for the Corps to "ensure that the implementation guidance directing [the Corps] work related to NYNJHATS reflects the intent of the language included in WRDA 2020." The letter also stated that "WRDA 2020 calls for a revision of existing planning guidance documents and regulations to ensure they are reflective of best available peer-reviewed data and the effects of sea level rise regardless of storm surge inducing events and inland flooding on communities in Section 113. The ability for cost-share partners to request use of local, peer-reviewed data should be clearly articulated in the guidance for this section. Authorization specifically for NYNJHATS (Section 203) was expanded to evaluate and address sea level rise and low-frequency precipitation events. For the NYNJHATS study, the [Corps] should use regionally down-scaled peer reviewed climate data like those developed by the New York City Panel on Climate Change and Rutgers University and the Mayor's Office of Resiliency to model and map future flood risk in New York City."

Lastly, the New York City Mayor's Office of Climate and Environmental Justice ("MOCEJ"), penned a letter on March 8, 2022, requesting the Corps "use the New York City Panel on Climate Change (NPCC) [sea level rise] projections for the New York City Region." The letter goes on to state that "NPCC [sea level rise] projections use a probabilistic approach drawing on an ensemble of 35 global climate models, integrated with observations of vertical land movement, glacio-isostatic adjustment and other important regional factors (e.g., ocean circulation) identified in [Corps' sea level rise] guidance. The [Corps'] relative sea level change projections do not account for regional variation and are lower than the NPCC's projections. Consequently, the NPCC projections provide a more accurate estimate based on New York City's unique conditions, and are considered the best available, peer-reviewed data on SLR for the New York region. The use of the NPCC SLR projections would:

- Result in a better analysis of the onshore high frequency flooding needs and approaches;
- Facilitate a better benefits comparison analysis in the National Economic Development (NED), Regional Economic Development, Environmental and Other Social Effects categories; and

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- *Better inform the closure frequency analysis that feeds into the environmental impacts assessment and would have impacts on navigation channels and port operations.”*

We encourage the Corps to conduct a residual risk study of the tentatively selected plan to quantify the costs associated with tidal flooding and permanent inundation from sea level rise over time using local projections. This should be used as a filter to determine which proposed measures within the study address multiple hazards, and to inform prioritization of which measures may need further analysis and refinement before being recommended for construction.

Conclusion

Adapting to this new reality offers an opportunity to create healthy, resilient, accessible, and equitable waterways that are alive with commerce and recreation, and exciting waterfront destinations that reflect the vitality and diversity of the communities that surround them. As the region’s premier Coalition advocating for climate resilience and adaptation, we strongly encourage the Corps to prioritize:

- 1.** Give greater consideration to environmental justice through an iterative approach,
- 2.** Prioritize natural and nature-based features (“NNBFs”) and non-structural solutions, and
- 3.** Address multiple climate hazards.

These comments and recommendations are geared toward developing the best project for our region that addresses the full suite of climate hazards that lay ahead. We appreciate the Corps’ work to study options for increasing the resilience of our region. The New York and New Jersey Harbor Region remains highly vulnerable to climate change, and we need solutions that ensure the equitable resilience, accessibility, and ecological integrity of our communities. There is no silver bullet to address our increasing vulnerability. The contexts are nuanced, and the solutions varied.

The undersigned members of the Rise to Resilience Coalition thanks the Corps for this opportunity to submit public comments. We look forward to your response, and to changes in the tentatively selected plan that capture and address the recommendations put forward here, and of those across the Harbor region.

Sincerely,

American Institute of Architects (AIA) New York
American Littoral Society
Bronx River Alliance
Center for NYC Neighborhoods (CNYCN)
Columbia University Climate School, Center for
Sustainable Urban Development
Coney Island Beautification Project

Coney Islanders for an Oceanside Ferry
Environmental Defense Fund
Friends of Bushwick Inlet Park
Future City Inc.
Hackensack Riverkeeper
Hudson River Waterfront Conservancy, Inc.
Jamaica Bay-Rockaway Parks Conservancy

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LES Ready!
The Municipal Art Society of New York
NAACP New Jersey State Conference
National Parks Conservation Association (NPCA)
Northeast Region
Natural Areas Conservancy
Natural Resources Defense Council (NRDC)
New Jersey Future
New Jersey League of Conservation Voters
New Jersey Progressive Equitable Energy
Coalition (NJPEEC)
New Jersey VOAD (Voluntary Organizations
Active in Disaster)
New York City Chapter of the Surfrider
Foundation
New York City Soil & Water Conservation
District
New York Disaster Interfaith Services (NYDIS)
New York City VOAD (Voluntary Organizations
Active in Disaster)
Newtown Creek Alliance

New York League of Conservation Voters
NY/NJ Baykeeper
Ocean Bay Community Development
Corporation
Rebuild by Design
Regional Plan Association
Regional Ready Rockaway
RISE (Rockaway Initiative for Sustainability &
Equity)
RETI Center
Save the Sound
Sierra Club Atlantic Chapter
South Bronx Unite
Stormwater Infrastructure Matters (SWIM)
Coalition
Trust for Public Land
Urban Ocean Lab
Waterfront Alliance
WE ACT for Environmental Justice
Wildlife Conservation Society

Appendix A: Additional Planning Region Specific Comments and Questions

The following comments and questions were developed in a NYJNHATS comment sharing session hosted by the Waterfront Alliance, Rebuild by Design, and Environmental Defense Fund on February 17, 2023. More than 60 organizations across all five boroughs, and New Jersey, participated in the comment sharing session.

Lower Hudson/East River

- There should be a local regional task force for stakeholders and communications.
- The GIS data appears to be circa 2010, with no new developments and elevations reflected.
- Planning does not seem to be connected or coordinated sewer districts and combined sewer overflows (“CSO”).
- Storm surge gates are proposed on some tributaries, but not others. There needs to be rationale and review for why these were selected.
- The tentatively selected plan proposes a large amount of money for storm surge, without analyzing the long-term benefit.
- Only some of the tributaries are offered solutions in the tentatively selected plan. All tributaries need to be assessed.

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- Halletts Cove is not addressed in the tentatively selected plan, nor is adjacent NYCHA property.
- The tentatively selected plan needs better coordination with State agency (Roosevelt Island Operating Corporation - RIOC), currently not coordinated.
- There is concern with the lack of coordination with City and State in the planning process.
- The tentatively selected plan does not include physical access to the water.
- Bushwick Inlet is not addressed, including CSO.
- There is a lack of supporting maps, including induced flooding in Greenpoint area (south of Newtown Creek).
- Where is the connection between Battery Park City Authority and NYNJHATS?
- Need clarification of location and size of specific proposed projects

Long Island Sound

- This work will impact the full tri-state area. How will Connecticut and Long Island sound be impacted? Throggs Neck barrier is no longer part of tentatively selected plan, which is a good, but communities in Long Island Sound watershed are left out.
- Prioritize nature-based features and include areas that have no protections through this plan, which are largely EJ communities (i.e., Bronx River, Westchester Creek, Hutchinson River, northern Queens communities).
- Need to use more appropriate projections for coastal flooding and incorporate sea level rise projections. We recommend using regional updated data.
- Transparency is lacking. There is a need for continued engagement, as it's difficult to review the full project given turnaround time for comments and how massive the plan is.
- Include a comprehensive plan for buyouts, retreat, and relocation.
- What is the potential for induced flooding issues at LaGuardia due to the Flushing barrier?
- How will wastewater treatment plants be protected and adapted?

Jamaica Bay

- How will the Corps balance storm surge vs. sea level rise solutions?
- Community engagement needs to improve to make the plan clearer to community members.
- There is not enough time to provide feedback. Community voices may still be left out. Communities need more time, information, and understanding of how the Corps will use our feedback.
- Many of the proposed costs, such as operations and maintenance, will fall on local government. What will that mean? How will communities take on this burden?
- The Corps needs to do a better job of explaining the impacts of this study to the community, specifically to regular people, going beyond simply forwarding their website resources and story maps.
- The original requests from many organizations was a six month to one year extension from the original date public comment period. We continue to request an extension of the deadline and a greater dialogue between the Corps and the community throughout the process.

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- The tentatively selected plan does not address the immediate concerns of communities impacted by flooding and surges.
- Engage the local experts to inform the plan. We request peer review of the models and need more robust scientific input to inform the feasibility of their models.
- Prioritize natural and nature-based features early on. Once massive investments are made, it will be difficult to steer the conversation to look at nature-based solutions.
- Develop a Supplemental Draft EIS ahead of the agency decision milestone to address many of the unique situations at the community level.

Hackensack/Passaic and Raritan

- All plans must look at and prioritize the protection of wetlands. Larger gates are likely to have a real impact on wetlands.
- Concerned about current development patterns and decisions impacting the existing wetlands and natural protections that remain.
- The Corps should highlight what areas are being left out, for example, Raritan Bay, and other areas that are very close to the waterfront.
- Has channel deepening been modeled? Specifically, the impact on hydrology and relative benefits of the measures they have proposed?
- In Hackensack, Kearny Point is currently designed for elevation/raising land. There is an existing plan for redevelopment. Is there coordination with local efforts?
- The entire lower Hackensack River is a superfund site. We recommend the Corps clean up before construction.

Upper Bay/Arthur Kill

- The southern part of Staten Island is not captured in the tentatively selected plan. 24 people died during Sandy.

Appendix B: Guiding Principles of Climate Adaptation Infrastructure

On December 2nd, 2022, Rebuild by Design held a meeting with over 80 attendees, representing over 55 organizations, to discuss their aspirations for large-scale, regional, flood protection. The paragraph below captures responses from the meeting and questionnaire, organized the responses into general categories and synthesized the shared ideas from each category to create principles.

I. Process for Developing Coastal Infrastructure

Engagement: The Corps' process must have thorough community input during each stage of the project - planning, design, and implementation - with a particular focus on individuals and businesses

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who will be impacted by flooding, environmental justice communities, and youth. There must be robust engagement opportunities that are accessible in location, language, and clarity of information.

Transparency: The Corps' process must be transparent in communicating all risks, trade-offs, beneficiaries, decision rationale, timeline as well as how feedback will be incorporated into the process, design, and implementation. The Corps must provide timely and detailed responses to inquiries and feedback during and outside of the public comment period. The role of non-federal partners should be explained.

Education: Educate communities with localized data of flood risk for each area where there is a proposed intervention that incorporates sea level rise, pollution and contamination, and the connection to cascading effects (such as health, economic, transportation, other climate hazards, etc.)

II. Project Design

Comprehensive: The approach should think big, be comprehensive, incorporate alternative options that include both structural and non-structural solutions, be adaptable, prevent future climate challenges, align with existing or planned projects and serve the entire region.

Multi-hazard: Flood plans, projects, and measures must be comprehensive by addressing multiple climate and environmental hazards, including but not limited to heavy rainfall, sea level rise, heat, pollution, carbon mitigation, and cso events, and shall be designed to provide co-benefits to the impacted communities.

Multi-Solutional: Where possible, flood adaptation measures must seek to address multiple needs of the community, including, but not limited to housing, pollution, food security, human services, and safety.

Workforce: The design, implementation, and maintenance of flood infrastructure measures must be coupled with investments in local workforce development.

Finance and Investment: Utilize traditional and non-traditional forms of finance that prioritize areas in greatest financial need, leverage the private sector, and support the long-term maintenance of flood infrastructure.

Efficacy: Provide robust evidence that the selected measures will work as designed.

III. Justice and Equity Built into the Project and Process

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Equity: Flood infrastructure measures must prioritize the most socially vulnerable communities, namely environmental justice neighborhoods, low-income households, the elderly, climate migrants, and those who have been historically marginalized due to race and ethnicity.

Housing Affordability and Managed Retreat: All flood infrastructure plans must account for the impact of climate displacement on low-income communities to ensure every household is choices about their future to stay or to move away from the flood zone, by investing in retrofits for low-income households and creating affordable housing in low-risk areas. Limit housing in areas that do not have a long-term plan/infrastructure investment pipeline and ensure that zoning follows planned actions.

IV. Protection and Promotion of Nature

Prioritize Nature-based Solutions: Flood Infrastructure that prioritizes the use of nature-based solutions over hard infrastructure, where feasible, which could include daylighting streams, using parks as water collection, and other "living with water" measures. Where hard infrastructure is necessary, use nature-based solutions to complement the proposed measures.

Waterfront Access: Flood infrastructure measures preserve existing and create or improve new access to the waterfront and shoreline open spaces, particularly in areas of greatest need.

Ecology: Flood infrastructure measures must not have adverse impacts on the ecology and wildlife or contribute to CSO's.

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Rise to Resilience

Rise to Resilience is a campaign and coalition which includes more than 100 organizations representing leaders in business, labor, environmental justice, volunteer organizations, scientists, environmental advocates, and design professionals collectively calling on our federal, state, and local governments to make building climate resilience an urgent priority. Waterfront Alliance, an advocate for coastal resilience, waterfront access, and working waterfronts in the New York-New Jersey region, is the backbone of the Rise to Resilience coalition.